

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Andrew Marshall McElrath

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Meta Quest, Facebook Inc, Regina Wells
Mark Zuckerberg, Johnny Howell sr
Johnny Howell jr official & individual capacity

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights

(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)

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NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Andrew Marshall McElrath

All other names by which you have been known:

ID Number

Current Institution

Address

Anderson County detention
1009 David Lee Coffee Place
Anderson, SC, 29625

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title
(if known)

Shield Number

Employer

Address

Mark Zuckerberg
President of meta Quest
7601 Willow rd Menlo Park,
CA 94025



Individual capacity



Official capacity

Defendant No. 2

Name

Meta Quest inc

Job or Title _____
 (if known) _____
 Shield Number _____
 Employer _____
 Address 1 Hacker way Menlo Park
CA, 94025
☒ Individual capacity ☒ Official capacity

Defendant No. 3

Name Facebook inc
 Job or Title _____
 (if known) _____
 Shield Number _____
 Employer _____
 Address 1 Hacker way Menlo Park
CA 94025
☒ Individual capacity ☒ Official capacity

Defendant No. 4

Name Johnny Howell sr and
Johnny Howell jr and Regina Wells
 Job or Title _____
 (if known) _____
 Shield Number _____
 Employer _____
 Address see attached US marshal form
Cleveland circle
☒ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

specifically 4th and 8th civil rights violations
This suit is not against state or federal employees
Rather this suit is against individuals and corporations

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee

- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose. This was done between Nov-1 thru Nov-20 2022

The defendants violated terms of services and used my criminal records in a unlawful way thru meta quest / facebook to slander me and support false statements toward me violating my civil rights

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

Between Nov-1 and Nov-20 of 2022
on facebook and/or meta quest by
Mark Zuckerberg and Johnny Howell

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

' See complaint attached '

Amended to original relief in Complaint

VI Relief Requesting as listed:

1) Ten million dollars (\$10,000,000.00) for actual damages of mental and physical for the remainder of my life to come and civil rights violations this relief is requested from Meta Quest and Facebook Inc and Mark Zuckerberg and/or real property of equal value.

2) Two million dollars (\$2,000,000.00) and/or land property and Home property of equal value in Anderson County SC this relief is requested from Johnny Howell Sr and Johnny Howell Jr and Regina Wells... Specifically noted any land located on Flat Rock Rd in Starr SC across from the elementary school and houses located on Broadway Lake Rd at the dam on Broadway Lake in Anderson SC and/or Houses and land of real property located on Hwy 29 of equal value... for actual damages and life long damages to come and civil rights violations

Total Relief requesting: \$12,000,000.00
and/or real property of equal value (12 million)

date: 12-25-22 Pro-se: Andrew Marshall McElwain

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Civil rights violations, mental and physical anguish, depression nightmares, attempted suicide, slur speech, brain damage unknown amount, lose of feeling in left arm and nerve damage in my back and neck as well as humiliation, slander reputation and ruining my dreams of being a man of political power someday and ruin my reputation and sever headaches and restricting if not destroying any chance of decent employment to best suit a handicap person as I am now

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

(Total relief: \$12,000,000.00) Ten million from Meta Quest inc and facebook inc and Mark Zuckerberg for actual damages and civil rights violations and terms of services violations And Two million from Johnny howell sr and Johnny Howell Jr and Regina Wells for actual damages and civil rights violations and/or real property of equal value see attach relief.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☒ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

- ☐ Yes
☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

not required these issues arose
in society before I was locked up
nor does it involve any state or federal
officials period! I Stand Alone

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

My issue doesn't pertain to any state or fed
facility or employee or jail the grievance procedure
here is used to resolve issues which arose within
its facility and/or against a person acting under
color of law! None of which apply here

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Because the grievance system only entertains in house issues or issues that involve officers of the law or at the facility

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

GO Hill on Christmas eve 12-24-22 at approx 4pm he informed me the facility would not entertain my issues. because it didn't involve a officer or happen here! Hill is a officer here at the detention center

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

- ☐ Yes
☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*
- _____
- _____

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes

☐ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) Andrew Marshall McElrath

Defendant(s) Chris Golden

2. Court *(if federal court, name the district; if state court, name the county and State)*

Florence SC, fed court

3. Docket or index number

Can not remember

4. Name of Judge assigned to your case

Bruce H Hendricks and Kaymani D West

5. Approximate date of filing lawsuit

Jan in 2013

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. Jun of 2017

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

We reached a settle agreement at mediation

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12-24, 2022

Signature of Plaintiff Andrew Marshall McElrath
 Printed Name of Plaintiff Andrew Marshall McElrath
 Prison Identification # 2022005510
 Prison Address 1009 David Lee Coffee Place
Anderson SC 29625
 City State Zip Code

B. For Attorneys

Date of signing: 12-24, 2022

Signature of Attorney Pro-se Andrew Marshall McElrath
 Printed Name of Attorney Pro-se Andrew Marshall McElrath
 Bar Number _____
 Name of Law Firm _____

Andrew Marshall McElrath

Address 1009 David Lee Coffee Place Anderson, SC, 29625

Telephone Number _____

E-mail Address _____